

A<sup>2</sup>  
from about 30 to about 160 phr of filler, said filler comprising at least about 7 phr of barium sulfate[11], [and] wherein the aggregate amount of barium sulfate in said filler is less than about 30 percent of the volume of said filler and the aggregate amount of barium sulfate is between about 10 and about 30 percent by weight of said filler, and wherein the mean particle size of said barium sulfate is between about 1.0 and about 2.0 microns to modify the viscoelastic properties of said elastomer.

14. (Twice Amended) A tire tread, comprising:

100 parts by weight of at least one diene-based elastomer; and

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from about 30 to about 160 phr of filler, said filler comprising at least about 8 phr of titanium dioxide, the mean particle size of said titanium dioxide being between about 0.5 and about 1.0 microns, and wherein the aggregate amount of titanium dioxide in said filler is less than about 30 percent of the volume of said filler and the aggregate amount of titanium dioxide is between 10 and about 30 percent by weight of said filler to modify the viscoelastic properties of said elastomer.

#### Remarks

This Amendment is responsive to the Examiner's Written Opinion written 5 April 2001.

Briefly, claims 8 and 15 have been cancelled, without limitation, admission or prejudice. Independent claims 1, 7 and 14 have been rewritten.

In the Written Opinion, the Examiner stated that claims 1-10 and 13-17 were novel, and possessed industrial applicability. However, she indicated that the claims lacked an "inventive step", (i.e., would have been "obvious") for various reasons.

As the Examiner is well aware, this application contains only three independent claims, namely, claims 1, 7 and 14.

For the Examiner's convenience, this amendment will be structured along the lines of the three independent claims and their respective trailing progeny. Within these three groups, attention will be focused primarily on the various independent claims. If these claims distinguish patentably from the prior art, then each of their trailing dependent claims must necessarily so distinguish. *Ex parte Leavell* (Bd. App. 1979); *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

#### Claims 1-6

As the Examiner is well aware, claim 1 is in independent form, and claims 2-6 are severally